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Central Intelligence Agency

Washington, D.C. 20505

8 AUG 1985
OLL 85-2299

Mr. James M. Frey
Assistant Director for Legislative
Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

Enclosed is a copy of a proposed letter by the Director of Central Intelligence to Senator Durenberger concerning H.R. 2401, the Field Office Closing Justification Act. Passage of this legislation would be harmful to the national security, and we are seeking the assistance of the Chairman of the Senate Select Committee on Intelligence to obtain relief for the affected components of the Intelligence Community.

Since H.R. 2401 passed the House and has been referred to the Senate Government Operations Committee, we have also included herewith a proposed copy of a similar letter to Chairman Roth of that Committee.

In view of the strong letter of objection, attached herewith, that former Director, David Stockman sent to the Chairman of the House Post Office and Civil Service Committee on H.R. 2401, we believe that our letters to Senators Durenberger and Roth are consistent with Administration policy and we ask that you approve these letters at your earliest convenience.

Sincerely,

[redacted]

Charles A. Briggs
Director, Office of Legislative Liaison

Enclosures

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Page Denied

Next 5 Page(s) In Document Denied

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ADMINISTRATION VIEWS

Set forth below are the views of David A. Stockman, Director, Office of Management and Budget on H.R. 2401:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 14, 1985.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on H.R. 2401, the "Field Offices Closing Justification Act."

The purpose of H.R. 2401 is to require agencies to submit a written report to the Congress 120 days before any reorganization of a field office takes effect. The bill specifies that the report must state the nature of and reasons for the reorganization.

The bill also requires that agency reports (1) detail the number of employees assigned to the affected office before and after the reorganization; (2) specify the types of personnel actions proposed to effect the changes; (3) list the number of employees who would be affected by each type of personnel action; (4) compare the functions performed by the field offices before with those that would be performed after the reorganization; (5) assess the relative capacity of the affected offices to perform assigned functions before and after the reorganization, with emphasis on providing services to the public; (6) estimate the economic impact and other consequences of the reorganization on the local community; and (7) state the costs, benefits, and other effects" anticipated from the reorganization.

There are approximately 22,000 separate locations for Federal civilian field offices. Because of co-location of bureau and subbureau field offices, the actual number of organizational entities involved is substantially higher. At any given time, there are hundreds of changes occurring in these offices that could trigger the reporting requirements of the bill. These changes occur due to shifts in workloads, changes in mission requirements or program focus, and increases or decreases in budgets. Most of these changes are minor and non-controversial. Although some will involve movement of employees, most agencies use attrition in order to avoid disruptive personnel actions. It is often difficult, however, to predict the exact nature and number of personnel actions that will result from a given change.

We do not have any hard data on the actual number of personnel actions annually which are "incident to a decision" as defined by the bill. If, however, even a small percentage of the 22,000 field locations are involved, Federal agencies would have to file several thousand detailed reports annually.

This legislation would require the involvement of Congress in the minutiae of agency personnel management, a task for which Congress is ill-equipped and which would produce few if any positive results. In fact, the costs would certainly outweigh any benefits. The cost of preparation, review, clearance, and congressional review of the reports would be substantial. More costly would be the delay of needed field office reorganizations or other changes by at least four months, requiring the continued use of scarce resources in out-of-date organizational arrangements.

The bill, in short, intrudes upon the President's responsibility for Executive branch management, contradicts recent efforts by Congress and the Administration to eliminate unnecessary paperwork and reduce the number of reports to Congress, and conflicts with the goals, shared by Congress and the Administration, of streamlining government operations and establishing efficient and cost-effective management.

Accordingly, for the reasons stated above, this Office is strongly opposed to the enactment of H.R. 2401.

Sincerely,

DAVID A. STOCKMAN,
Director

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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CHAPTER 35—RETENTION PREFERENCE, RESTORATION, AND REEMPLOYMENT

SUBCHAPTER I—RETENTION PREFERENCE

Sec.
3501. Definitions; application.
3502. Order of retention.
3503. Transfer of functions.
3504. Preference eligibles; retention; physical qualifications; waiver.

SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY OR TRAINING DUTY

3551. Restoration; Reserves and National Guard members.

SUBCHAPTER III—REINSTATEMENT OR RESTORATION AFTER SUSPENSION OR REMOVAL FOR NATIONAL SECURITY

3571. Reinstatement or restoration; individuals suspended or removed for national security.

SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE WITH AN INTERNATIONAL ORGANIZATION

3581. Definitions.
3582. Rights of transferring employees.
3583. Computations.
3584. Regulations.

SUBCHAPTER V—REMOVAL, REINSTATEMENT, AND GUARANTEED PLACEMENT IN THE SENIOR EXECUTIVE SERVICE

3591. Definitions.
3592. Removal from the Senior Executive Service.
3593. Reinstatement in the Senior Executive Service.
3594. Guaranteed placement in other personnel systems.
3595. Reduction in force in the Senior Executive Service.

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